

**United States District Court**  
**For the Middle District of Pennsylvania**

P.O. Box 868  
Harrisburg, PA. 17108-0868

James E. Foster,  
1577 Little Egypt Road,  
Harriosnville, PA. 17228  
Plaintiff

Vs.

Mr. Thomas Myers,  
Harrisburg, PA.

Mr. David Scott,  
Altoona, PA.

Mr. Homer Floyd  
Harrisburg, PA.

Mr. Joseph Adler,  
Pittsburg, PA.

Mr. Trent Hargrove  
Harrisburg, PA.

Ms. Joan D. Gmitter  
Philadelphia, PA. 19106-2515

Ms. Marie M. Tomasso  
Philadelphia, PA. 19106-2515

Rominger & Bayley Law Firm  
Carlisle, PA. 17013

Defendants

Case No.:

1: CV 04-1617

Jury Trial Demanded

**Plaintiff**

**James E. Foster**- a citizen of the County of Fulton, State of Pennsylvania, residing at 1577 Little Egypt Road, Harrisonville, PA. 17228.

Plaintiff underlying civil rights case. Mr. Foster complains, that the Defendants violated his civil rights from January 2002 to May 7<sup>th</sup>, 2004 and their duty and responsible.

**COMPLAINT**

1. January 2002, through May 7<sup>th</sup>, 2004, Defendants' mislead, conceal facts, knowingly accepting falsified documents, denied information in order to evade, cover-up and attempts to prevent Plaintiff from exercising his civil rights under the Constitution of the United States, Pennsylvania Constitution and Common Law.

2. Defendants conspired for the purpose of impeding, hindering, obstructing and defeating the due course of justice with intent to deny equal protection of the law.

3. Defendants violated their duty and responsible which were assigned by Federal and State legislative directives and Common Law.

- 1
- 2 4. Defendants violated established policy and procedures with
- 3 intent to prevent the due process of the law.
- 4
- 5

6 **COUNTS**

- 7 1. **Fraudulent Conspiracy** Plaintiff respectfully contends that
- 8 when tested against the standards of conspiracy, specified
- 9 on the foregoing facts, the Defendants conduct constitutes a
- 10 fraudulent conspiracy that includes violating and removing
- 11 the Plaintiff's protected rights and thus all Defendants
- 12 supported the conspiracy.
- 13 2. **Party to the Conspiracy** - Plaintiff respectfully contends
- 14 that the foregoing facts indicate, all Defendants and
- 15 certain employees of the State of Pennsylvania are a party.
- 16 3. **Obstruction of Justice**- Plaintiff respectfully contends that
- 17 the foregoing facts indicate the conspiracy of obstruction
- 18 of justice, has occurred and continues since 1997.
- 19 4. **Professional Misconduct** - Plaintiff respectfully contends,
- 20 that the foregoing facts indicate the Defendants violated
- 21 numerous professional conduct, as well as breaking laws,
- 22 which may carry a misdemeanor felony charge.
- 23
- 24
- 25

17 **RELIEF**

18 **Declaratory Relief**

- 19 1. Plaintiff asks the court to rule that the Defendants have
- 20 interfered with the judicial processes.
- 21 2. Plaintiff asks the court to rule that Professional
- 22 Misconduct has occurred.
- 23 3. Plaintiff asks the court that a Federal Prosecutor be
- 24 appointed to review all facts including trial for possible
- 25 criminal violations.
4. Plaintiff asks the court to rule that court costs should
- be assessed to Defendants.
5. Plaintiff asks the court to rule there was a conspiracy.